

ESHB 2171 - S AMD
By Senator Berkey

ADOPTED AS AMENDED 04/12/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the importance
4 of appropriate and meaningful land use measures and that such measures
5 are critical to preserving and fostering the quality of life enjoyed by
6 Washingtonians. The legislature recognizes also that the growth
7 management act requires counties and cities to review and, if needed,
8 revise their comprehensive plans and development regulations on a
9 cyclical basis. These requirements, which often require significant
10 compliance efforts by local governments are, in part, an acknowledgment
11 of the continual changes that occur within the state, and the need to
12 ensure that land use measures reflect the collective wishes of its
13 citizenry.

14 The legislature acknowledges that only those jurisdictions in
15 compliance with the review and revision schedules of the growth
16 management act are eligible to receive funds from the public works
17 assistance and water quality accounts in the state treasury. The
18 legislature further recognizes that some jurisdictions that are not yet
19 in compliance with these review and revision schedules have
20 demonstrated substantial progress towards compliance.

21 The legislature, therefore, intends to grant jurisdictions that are
22 not in compliance with requirements for development regulations that
23 protect critical areas, but are demonstrating substantial progress
24 towards compliance with these requirements, twelve months of additional
25 eligibility to receive grants, loans, pledges, or financial guarantees
26 from the public works assistance and water quality accounts in the
27 state treasury. The legislature intends to specify, however, that only
28 counties and cities in compliance with the review and revision
29 schedules of the growth management act may receive preference for
30 financial assistance from these accounts.

1 **Sec. 2.** RCW 36.70A.130 and 2002 c 320 s 1 are each amended to read
2 as follows:

3 (1)(a) Each comprehensive land use plan and development regulations
4 shall be subject to continuing review and evaluation by the county or
5 city that adopted them. Except as otherwise provided, a county or city
6 shall take legislative action to review and, if needed, revise its
7 comprehensive land use plan and development regulations to ensure the
8 plan and regulations comply with the requirements of this chapter
9 according to the time periods specified in subsection (4) of this
10 section.

11 **(b)** Except as otherwise provided, a county or city not planning
12 under RCW 36.70A.040 shall take action to review and, if needed, revise
13 its policies and development regulations regarding critical areas and
14 natural resource lands adopted according to this chapter to ensure
15 these policies and regulations comply with the requirements of this
16 chapter according to the time periods specified in subsection (4) of
17 this section. Legislative action means the adoption of a resolution or
18 ordinance following notice and a public hearing indicating at a
19 minimum, a finding that a review and evaluation has occurred and
20 identifying the revisions made, or that a revision was not needed and
21 the reasons (~~(therefore)~~) therefor.

22 **(c)** The review and evaluation required by this subsection may be
23 combined with the review required by subsection (3) of this section.
24 The review and evaluation required by this subsection shall include,
25 but is not limited to, consideration of critical area ordinances and,
26 if planning under RCW 36.70A.040, an analysis of the population
27 allocated to a city or county from the most recent ten-year population
28 forecast by the office of financial management.

29 (~~(b)~~) **(d)** Any amendment of or revision to a comprehensive land
30 use plan shall conform to this chapter. Any amendment of or revision
31 to development regulations shall be consistent with and implement the
32 comprehensive plan.

33 (2)(a) Each county and city shall establish and broadly disseminate
34 to the public a public participation program consistent with RCW
35 36.70A.035 and 36.70A.140 that identifies procedures and schedules
36 whereby updates, proposed amendments, or revisions of the comprehensive
37 plan are considered by the governing body of the county or city no more
38 frequently than once every year. "Updates" means to review and revise,

1 if needed, according to subsection (1) of this section, and the time
2 periods specified in subsection (4) of this section or in accordance
3 with the provisions of subsection (8) of this section. Amendments may
4 be considered more frequently than once per year under the following
5 circumstances:

6 (i) The initial adoption of a subarea plan that does not modify the
7 comprehensive plan policies and designations applicable to the subarea;

8 (ii) The adoption or amendment of a shoreline master program under
9 the procedures set forth in chapter 90.58 RCW; and

10 (iii) The amendment of the capital facilities element of a
11 comprehensive plan that occurs concurrently with the adoption or
12 amendment of a county or city budget.

13 (b) Except as otherwise provided in (a) of this subsection, all
14 proposals shall be considered by the governing body concurrently so the
15 cumulative effect of the various proposals can be ascertained.
16 However, after appropriate public participation a county or city may
17 adopt amendments or revisions to its comprehensive plan that conform
18 with this chapter whenever an emergency exists or to resolve an appeal
19 of a comprehensive plan filed with a growth management hearings board
20 or with the court.

21 (3)(a) Each county that designates urban growth areas under RCW
22 36.70A.110 shall review, at least every ten years, its designated urban
23 growth area or areas, and the densities permitted within both the
24 incorporated and unincorporated portions of each urban growth area. In
25 conjunction with this review by the county, each city located within an
26 urban growth area shall review the densities permitted within its
27 boundaries, and the extent to which the urban growth occurring within
28 the county has located within each city and the unincorporated portions
29 of the urban growth areas.

30 (b) The county comprehensive plan designating urban growth areas,
31 and the densities permitted in the urban growth areas by the
32 comprehensive plans of the county and each city located within the
33 urban growth areas, shall be revised to accommodate the urban growth
34 projected to occur in the county for the succeeding twenty-year period.
35 The review required by this subsection may be combined with the review
36 and evaluation required by RCW 36.70A.215.

37 (4) The department shall establish a schedule for counties and
38 cities to take action to review and, if needed, revise their

1 comprehensive plans and development regulations to ensure the plan and
2 regulations comply with the requirements of this chapter. Except as
3 provided in subsection (8) of this section, the schedule established by
4 the department shall provide for the reviews and evaluations to be
5 completed as follows:

6 (a) On or before December 1, 2004, and every seven years
7 thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce,
8 Snohomish, Thurston, and Whatcom counties and the cities within those
9 counties;

10 (b) On or before December 1, 2005, and every seven years
11 thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and
12 Skamania counties and the cities within those counties;

13 (c) On or before December 1, 2006, and every seven years
14 thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and
15 Yakima counties and the cities within those counties; and

16 (d) On or before December 1, 2007, and every seven years
17 thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield,
18 Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille,
19 Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities
20 within those counties.

21 (5)(a) Nothing in this section precludes a county or city from
22 conducting the review and evaluation required by this section before
23 the time limits established in subsection (4) of this section.
24 Counties and cities may begin this process early and may be eligible
25 for grants from the department, subject to available funding, if they
26 elect to do so.

27 (b) State agencies are encouraged to provide technical assistance
28 to the counties and cities in the review of critical area ordinances,
29 comprehensive plans, and development regulations.

30 (6) A county or city subject to the time periods in subsection
31 (4)(a) of this section that, pursuant to an ordinance adopted by the
32 county or city establishing a schedule for periodic review of its
33 comprehensive plan and development regulations, has conducted a review
34 and evaluation of its comprehensive plan and development regulations
35 and, on or after January 1, 2001, has taken action in response to that
36 review and evaluation shall be deemed to have conducted the first
37 review required by subsection (4)(a) of this section. Subsequent

1 review and evaluation by the county or city of its comprehensive plan
2 and development regulations shall be conducted in accordance with the
3 time periods established under subsection (4)(a) of this section.

4 (7) The requirements imposed on counties and cities under this
5 section shall be considered "requirements of this chapter" under the
6 terms of RCW 36.70A.040(1). Only those counties and cities in
7 compliance with the schedules in this section (~~shall have the~~
8 ~~requisite authority to~~) and those counties and cities demonstrating
9 substantial progress towards compliance with the schedules in this
10 section for comprehensive land use plans and for development
11 regulations that protect critical areas may receive grants, loans,
12 pledges, or financial guarantees from those accounts established in RCW
13 43.155.050 and 70.146.030. A county or city that is fewer than twelve
14 months out of compliance with the schedules in this section for
15 comprehensive land use plans and for development regulations that
16 protect critical areas is deemed to be making substantial progress
17 towards compliance. Only those counties and cities in compliance with
18 the schedules in this section (~~shall~~) may receive preference for
19 grants or loans subject to the provisions of RCW 43.17.250.

20 (8)(a) Counties and cities required to satisfy the requirements of
21 this section according to the schedule established by subsection (4)(b)
22 through (d) of this section may comply with the requirements of this
23 section for comprehensive land use plans and for development
24 regulations that protect critical areas one year after the dates
25 established in subsection (4)(b) through (d) of this section.

26 (b) Counties and cities complying with the requirements of this
27 section one year after the dates established in subsection (4)(b)
28 through (d) of this section for comprehensive land use plans and for
29 development regulations that protect critical areas shall be deemed in
30 compliance with the requirements of this section.

31 (c) This subsection (8) applies only to the counties and cities
32 specified in subsection (4)(b) through (d) of this section, and only to
33 the requirements of this section for comprehensive land use plans and
34 for development regulations that protect critical areas that must be
35 satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

36 (9) Notwithstanding subsection (8) of this section and the
37 substantial progress provisions of subsections (7) and (10) of this
38 section, only those counties and cities complying with the schedule in

1 subsection (4) of this section may receive preferences for grants,
2 loans, pledges, or financial guarantees from those accounts established
3 in RCW 43.155.050 and 70.146.030.

4 (10) Until December 1, 2005, and notwithstanding subsection (7) of
5 this section, a county or city subject to the time periods in
6 subsection (4)(a) of this section demonstrating substantial progress
7 towards compliance with the schedules in this section for its
8 comprehensive land use plan and development regulations may receive
9 grants, loans, pledges, or financial guarantees from those accounts
10 established in RCW 43.155.050 and 70.146.030. A county or city that is
11 fewer than twelve months out of compliance with the schedules in this
12 section for its comprehensive land use plan and development regulations
13 that protect critical areas is deemed to be making substantial progress
14 towards compliance.

15 NEW SECTION. Sec. 3. This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 immediately."

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19 On page 1, line 2 of the title, after "36.70A.130;" strike the
20 remainder of the title and insert "amending RCW 36.70A.130; creating
21 new sections; and declaring an emergency."

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